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November 12, 2002

Honorable Jaime A. Rios
Supreme Court, Queens County
125-01 Queens Boulevard
Kew Gardens, New York 11415

Re: People vs. Tyrone Johnson
Indictment No. 2002/2000

Dear Justice Rios:

On June 5, 2002, Tyrone Johnson was convicted, after a jury trial, of murder in the second degree, attempted robbery in the first and second degrees, attempted kidnapping in the second degree and criminal possession of a weapon in the second and third degrees in connection with the shooting death of Leroy Vann during a failed robbery attempt.

The defendant has now moved to vacate the judgment of conviction based, in part, on sworn statements given post conviction to a defense investigator by three individuals.

The first statement is from Henry Hanley, who had testified for the prosecution at trial that he was an eyewitness to the shooting. He identified the defendant, whom he claimed he had known for a number of years, as one of two people involved in the robbery and murder. Mr. Hanley's trial testimony was consistent with prior statements that he had given to detectives, a videotaped statement that he had given to an Assistant District Attorney and his grand jury testimony. In his post-conviction statement, Hanley recants his trial testimony entirely, although in subsequent statements to our office he has since recanted his recantation.

The second post-conviction statement offered by the defense is that of Shanese Knight, Hanley's aunt, who resided in the apartment above that occupied by Mr. Hanley. Ms. Knight says that she witnessed the shooting and saw a man other than the defendant shoot Vann. Her statement is, however, inconsistent with a statement that she gave to detectives two days after the shooting in which she claimed not to have seen the shooting. Ms. Knight also states in her post-conviction statement that Hanley could not have seen the shooting because he was downstairs asleep in his apartment at the time.

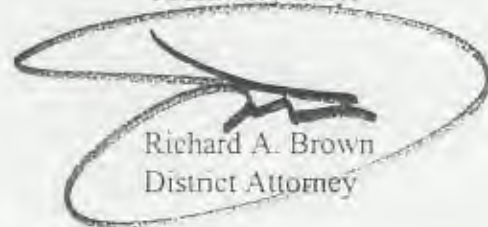
The third statement is that of Charmaine Ramdass, the mother of Hanley's two-year old son.

Ms. Ramdass, in her post trial statement, claims that Mr. Hanley was sleeping next to her at the time of the shooting and could not have seen what took place. That statement, as well as the statement of Ms. Knight in which she also claims that Hanley was asleep in his apartment at the time of the shooting, contradicts the testimony of Stanley Gaskins, a defense alibi witness, who claimed to have been playing video games with Henry Hanley at the time of the shooting.

In reviewing the facts in preparation for the hearing that you ordered be held regarding these post-conviction statements, it has come to my attention that at trial our trial assistant stated, in response to the Court's inquiry, that he did not have any knowledge as to the whereabouts of Ms. Knight. In fact, however, four days earlier the assistant, together with two detectives from my office, had met with Ms. Knight at her place of employment. That fact should have been disclosed. The failure to do so was totally inconsistent with the high ethical standards that I expect from my assistants and I have, as a result, directed that a thorough internal inquiry of the failure to disclose that fact be had. And if disciplinary action against the assistant is appropriate, it will be taken.

While the failure to disclose the information about the whereabouts of Ms. Knight may not, in the end, have had any impact on the outcome of the trial, the conduct which occurred cannot be condoned. Accordingly, we are prepared to consent to the vacatur of the defendant's conviction and to the granting of a new trial at which the defendant will have a full and fair opportunity to present any and all witnesses who he chooses to have testify. In addition, and in order to insure public confidence in the judicial process, we will, prior to any retrial, conduct a comprehensive re-examination of every aspect of this case so as to be certain that the prosecution of the defendant is justified.

Yours very truly,



Richard A. Brown
District Attorney

RAB:ajb

cc: Honorable Steven W. Fisher
Allan L. Brenner, Esq.